



**FREEDOM OF INFORMATION &
ENVIRONMENTAL INFORMATION POLICY
POLICY NO. 64**

Date Reviewed (interim)	September 2024
Date of Next Review	September 2027 (if not before)
Regulatory Standards of Governance and Financial Management	RS 1: Guidance 1.3 RS 2: Guidance 2.1; 2.2; 2.3

1. INTRODUCTION

[The Freedom of Information \(Scotland\) Act 2002 \("FOISA"\)](#) and [the Environmental Information \(Scotland\) Regulations 2004 \("EIR"\)](#) place a general obligation on Scottish Public Authorities to allow the public access to information that they hold. Both FOISA and EIR are overseen by the Scottish Information Commissioner ("SIC").

In 2019, Glen Housing Association was designated as a Scottish Public Authority and was required to make information available in accordance with FOISA and EIR.

This is our Freedom of Information and Environmental Information Policy which:

- provides a general understanding of FOISA and EIR; and
- outlines where responsibility lies for complying with the legal duties we have under FOISA and EIR

2. POLICY STATEMENT

Glen Housing Association is committed to the underlying principles of openness and transparency underpinning FOISA and EIR and complying fully with the requirements of said legislation. To this end we will:

- follow the relevant Scottish Ministers Codes of Practice relating to FOISA and EIR, as well as any relevant guidance issued by SIC;
- take into account the needs of individuals when presenting information under FOISA and EIR;
- make all employees aware of their responsibilities under FOISA and EIR and support them in fulfilling those responsibilities;
- publish a wide range of information through our Publication Scheme (Guide to Information);
- monitor compliance with FOISA and EIR with a view to continuous improvement;
- respect data protection in accordance with the UK GDPR and Data Protection Act 2018 when complying with FOISA and EIR;
- only withhold information where entitled to do so under FOISA and EIR and explain why information is withheld; and
- provide advice and assistance to individuals seeking to access information

3. RESPONSIBILITIES

3.1 The Director has lead management responsibility for FOISA and EIR within Glen Housing Association. This includes effective implementation and regular review of this Policy.

3.2 The Corporate Manager is responsible for the following aspects of compliance under FOISA and EIR:

- responding to requests under FOISA and EIR;
- co-ordinating and/or collating information for sending out to requesters;
- making information available in accordance with our Publication Scheme;
- dealing with requests for review.

3.3 All Employees are responsible for:

- familiarising themselves with this Policy;
- forwarding information requests received to the Corporate Manager as quickly as possible. If they are unsure how to recognise an information request, they should seek guidance from the Corporate Manager or the Director;
- seeking guidance from the Corporate Manager or the Director if they are unsure about any of the duties placed on the Association by FOISA or EIR.

3.4 Employees should be aware that where an information request is received and they delete or alter information held by Glen Housing Association with the intention of preventing disclosure of that information, a criminal offence is committed. Where employees are unsure if deletion or alteration of information may result in an offence they should seek guidance from the Corporate Manager or the Director.

3.5 Compliance with this policy is compulsory for all employees of Glen Housing Association. Any employee who fails to comply with this policy may be subject to disciplinary action.

4. SCOPE OF THE POLICY

This Policy applies to any information held by Glen Housing Association which relates to one or more of the functions set out below, regardless of format. This will include information created internally and information received from third parties. It will also relate to information which is held on our behalf.

This policy applies to all Glen Housing Association employees.

5. BACKGROUND

5.1 Why is Glen Housing Association subject to FOISA and EIR?

By virtue of the: Freedom of Information (Scotland) Act 2002 (Designation of Persons as Scottish Public Authorities) Order 2019 (the "Order").

The Order came into effect on 11 November 2019 and brought all Registered Social Landlords ("RSLs") and certain RSL subsidiaries under the scope of FOISA and the EIR.

5.2 What is subject to FOISA and EIR?

In accordance with the terms of the Order, not everything that Glen Housing Association does is subject to FOISA and EIR. Instead, it is only subject to these regimes in respect of certain functions, namely 'housing services' (as defined in s.165 of the Housing (Scotland) Act 2010) which it carries out – subject to some restrictions. Looking at the definition of 'housing services' and the restrictions which

are set out in the Order, the following functions carried out by us are covered by FOISA and EIR:

- the prevention and alleviation of homelessness;
- the management of social housing accommodation;
- the supply of information to the Scottish Housing Regulator (SHR) by an RSL or a connected body (i.e. a subsidiary) in relation to its financial wellbeing and standards of governance.

5.3 What is the difference between FOISA and EIR?

EIR provides a right of access to 'Environmental Information' held by Glen Housing Association. Environmental Information has a very wide definition which is set out in the Regulations. Where a request under FOISA is received for Environmental Information it should be processed in accordance with EIR.

Whilst the obligations under FOISA and EIR are similar – there are some key differences that employees must be aware of when dealing with requests for information. Further guidance on the differences are available on SIC's website -

<https://www.foi.scot/sites/default/files/2022-03/DifferencesbetweenEIRSandFOISA.pdf>

6. LEGAL DUTIES

Glen Housing Association has a number of legal duties which it must comply with under FOISA and EIR. These are set out in more detail below:

6.1 Responding to Information Requests

People have the right to request information from us. Where the information requested is within the scope of the Order and we hold that information, we must release the information unless an exemption (under FOISA) or an exception (under EIR) applies. We will, when responding to requests for information from individuals, follow the [Section 60 Code of Practice \(best practice guidance for public authorities on discharging their functions under FOISA and EIR\)](#), and any relevant guidance produced by SIC.

6.1.1 We will aim to respond to information requests promptly, and in any event within 20 working days of receiving the request (except in some circumstances under EIR where we are entitled to extend the timescale for responding by an additional 20 working days).

6.1.2 Where we are providing an individual with the information they have requested, we will, in so far as is reasonable to do so, provide information in the format that the individual has requested and will adhere to any duties under the Equality Act 2010. Where we are refusing to provide information to individuals, we will clearly explain to them what provision in FOISA or EIR allows us to withhold that information and why we believe that provision applies (including, where required, an explanation of how we have carried out the Public Interest Test).

6.1.3 Where we are asked to provide information which we do not hold, but know that another Scottish Public Authority does hold the requested information – we will provide contact details of said Authority to the individual requesting the information

and explain that the individual may wish to request the information from that Scottish Public Authority. Where a request is being handled under EIR and these circumstances apply, we will offer to transfer the individual's request to the other Scottish Public Authority.

6.1.4 We may choose to charge for fulfilling information requests received from individuals. Any charges made by us will take the following into consideration:

- for requests being handled under FOISA: the Freedom of Information (Fees for Required Disclosure) (Scotland) Regulations 2004
- for requests being handled under EIR: the Schedule of Charges of Glen Housing Association contained within our Guide to Information.

Any fee charged by us will be reasonable and will not exceed the costs to us of providing the requested information.

6.2 Responding to Requests for Review

Where someone has requested information from Glen Housing Association and:

- we have failed to respond to the request within the 20 working day deadline (or extended deadline in respect of certain requests made under EIR); or
- the person requesting the information is unhappy with the response to the request (for example where information has been withheld under one of the exemptions or exceptions available under FOISA/EIR),

then they have the right to request that we review the response to their request to determine whether the provisions of FOISA or EIR have been followed.

6.2.1 Where we perform a review and determine that a response to a request is not in accordance with FOISA or EIR, we will take immediate steps to rectify this (which could, for example, include releasing information which was previously withheld).

Where we perform a review and determine that a response to a request is in accordance with FOISA or EIR then we will notify the individual who asked for a review as quickly as possible.

In any event, we will handle all requests for review in accordance with the timescales set out in FOISA and EIR.

6.2.2 Where an individual is unhappy with the response to their review request, they may appeal to SIC. If an appeal is made to SIC and a decision handed down by them, both Glen Housing Association and the individual in question have a right to appeal to the courts on a point of law.

6.3 Provision of Advice and Assistance to Individuals

Glen Housing Association must provide advice and assistance to individuals seeking to access information. This advice and assistance will be provided with a view to ensuring that all barriers which may potentially prevent an individual from accessing information, are removed. We will comply with this duty by following the guidance contained in the Section 60 Code of Practice issued by Scottish Ministers.

6.4 Publication of Information

Glen Housing Association will publish information in accordance with its Publication Scheme through its Guide to Information. The Guide to Information will be available on our website and a paper format will also be available on request.

6.5 Data Protection

Glen Housing Association is committed to upholding its data protection obligations set out in the UK GDPR and the Data Protection Act 2018.

Under data protection laws, individuals have the right to request access to all of the information that we hold about them. This and other rights that individuals have under data protection are not covered by this policy and you should refer our Privacy Policy when dealing with these rights.